



Town of Tyngsborough
Planning Board
25 Bryants Lane,
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 ext. 115

MINUTES
December 2, 2010
APPROVED

Attachments:

1. Meeting Agenda
2. Development Agreement and Covenant explanation letter from Westford Road Development, LLC – 11/4/2010
3. T-Mobile Existing Drive Test Data (Map)
4. T-Mobile Existing Coverage in Tyngsborough (Map)
5. T-Mobile Proposed Coverage in Tyngsborough with a 160' SBA Cell Tower (Map)
6. T-Mobile Proposed Coverage in Tyngsborough with a 130' SBA Cell Tower (Map)
7. T-Mobile Proposed Coverage in Tyngsborough with a 100' SBA Cell Tower (Map)
8. 180 Sherburne Ave. Vernal Pool Location Plan
9. Isotope Wireless RF Review Report (David Maxson) – 11/24/2010

Members Present: Steve Nocco, Chairman
Tom Delmore, Vice Chairman
Steve O'Neill
Bill Gramer
Caryn DeCarteret, Associate Member
Jesse Johnson, P.E.: David E. Ross Associates
Pamela Berman, Administrative Assistant

7:00pm - Meeting called to order by Chairman S. Nocco

7:02pm - 1987 Vesper Properties Development Agreement & Planning Board Covenant: Walter Eriksen.

Westford Road Development developer Walter Eriksen appeared before the Board at the suggestion of the Board of Selectmen. Mr. Eriksen explained that in 1987 a development agreement and covenant were established by Vesper Properties for a subdivision at the Sycamore property. The subdivision was never built; however, the agreement and covenant are still attached to the title of land. In order for Mr. Eriksen to proceed with the Westford Road Development project, the old agreement and covenant need to be released by the Board of Selectmen and the Planning Board. S. Nocco questioned whether the original subdivision approval must be "rescinded" by the Planning Board, and therefore, requested that Town

Counsel is consulted for further guidance concerning what steps are required by the Planning Board.

S. O'Neill: Motion to have town Counsel review the documents and report to the Planning Board for future discussion, tentatively at the December 16, 2010 meeting, depending on Town Counsel's schedule.

B. Gramer: 2nd the motion

In Favor: 4 Opposed: 0 Abstain: 1

Passes: 4-0-1

7:30pm - 180 Sherburne Ave. – SBA Towers for T-Mobile, USA Special Permit
Application for the proposed installation of a ~160ft. monopole style cell tower –
Continued from November 4, 2010.

Board member Tom Delmore recused himself from this hearing, as he is an abutter to this project.

David Maxson of Isotrope, LLC spoke for the Board as their expert Radio Frequency (RF) engineer. Mr. Maxson reviewed SBA Towers' application and associated data and conducted his own analyses. Mr. Maxson reported that the application contains all of the necessary components. In addition, he reported that the 160 ft. height of the tower could possibly be reduced and still maintain acceptable coverage. Aesthetically, Mr. Maxson reported that the proposed tower design is not offensive from the various perspectives and distances. Finally, Mr. Maxson noted that the applicant is not a wireless carrier. Even though T-Mobile is the proposed carrier to be installed on the new tower, Mr. Maxson indicated that there is always the possibility that T-Mobile's plans or fortunes may change. Mr. Maxson suggested that any permit could be conditioned in the event T-Mobile disengages from the tower project as a tenant.

T-Mobile's RF engineer stated that the objective for this tower is to convert the current "poor" coverage to "better" coverage in order to serve the smart phone users in their homes. The Board noted that the computer simulations plotted on the coverage maps seemed overlapping and/or confusing and inaccurate. The Board and Mr. Maxson also noted that the coverage is currently indicated as "fair". S. Nocco questioned the "need" for the tower as stated in the by-law.

Several abutters from Bridle Path Way and Derby Lane were present at the hearing and strongly opposed this cell tower. Several questions were posed as to the possibility of lowering the height of the tower and/or re-locating the placement of the tower on the property. All of these concerns were duly noted by the Board and were redirected to the applicant to be addressed at the next meeting. The Board's engineer, Jesse Johnson noted that during his site visit in early November, he noted that there may be a viable alternative location approximately 100 to 200 yards away from the residential area. Attorney Tim Sullivan spoke on behalf of a few abutters, saying that his clients would be less opposed to a smaller tower that is re-located further east of the current proposed location.

With that said, the applicant agreed to confer with the neighbors and Jesse Johnson in order to ascertain what alternatives may be available and appear at the next meeting on December 16, 2010. In addition, Janice Costa of Derby Lane requested that there be another balloon test conducted while the trees have no leaves on them in order to get a different perspective of what may be seen. Additionally, the abutters on Derby Lane and Bridle Path Way asked if they could be notified of any scheduled balloon test as some of the residents had not been informed of the first test done in July.

Town Counsel Charles Zaroulis spoke of the expiration of the Board's decision "shot clock". Currently, the 150 day "shot clock" will expire on December 13, 2010. Therefore, it is imperative that an extension agreement be registered with the Town Clerk as soon as possible. All parties have agreed to an extension for the Board to act on the application to February 2, 2011.

S. O'Neill: Motion to continue the hearing to December 16, 2010.

B. Gramer: 2nd the motion

In Favor: 5 Opposed: 0

Passes: 5-0

9:25pm

S. O'Neill: Motion for a 10 minute recess

B. Gramer: 2nd the motion

In Favor: 5 Opposed: 0

Passes: 5-0

Administrative

S. O'Neill: Motion to approve the minutes from Nov. 18, 2010.

B. Gramer: 2nd the motion

In Favor: 4 Opposed: 0 Abstain: 1

Passes: 4-0-1

9:50pm

S. O'Neill: Motion to adjourn

B. Gramer: 2nd the motion

In Favor: 5 Opposed: 0

Passes: 5-0-1

Minutes respectfully submitted by
Pamela Berman
Planning Board Administrative Assistant